

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

The specification has been amended in two locations to replace an abbreviation to enhance the clarity of the description. At page 16, line 25, the application as filed recited in part "alkylBOB". Examples of "alkylBOB" are listed at line 26 as filed, and included "methoxy" and "ethoxy". Since "methoxy" is typically depicted as $\text{CH}_3\text{-O-}$ and "ethoxy" as $\text{CH}_3\text{CH}_2\text{-O-}$, one of ordinary skill in the art would readily appreciate that "B" in "alkylBOB" represents bond. However, to eliminate the possibility for any confusion, "B" has been replaced with "-". Thus, "alkylBOB" has been now replaced with "-alkyl-O-". Similarly, at page 16, line 28, of the application, "BNRR" has been now replaced with "-NRR". No new matter has been added.

Claims 8-16 are pending in the subject application. Claims 8 and 12-15 have been amended to replace "salts" with "salt" as suggested by the Examiner. The Examiner is thanked for the suggestion. Claim 16 has been amended to replace "methylsulfanyl" with "methylmercapto" in the name of the last compound whose name is recited. The structure of the compound is set forth as "31888" at page 18 of the application. The name change has no bearing on the identity of the compound, but rather is merely done for consistency with independent claim 8 from which claim 16 depends. No new matter has been added. Therefore, amended claims 8-16 are pending in the subject application.

In the Office Action dated September 28, 2004, claims 8-16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. There are several grounds for this rejection. This rejection is respectfully traversed, and each grounds is addressed below.

Recitation of "pharmaceutically acceptable salts" in claims 8 and 12-15 is objected to as indefinite due to the recitation of the plural "salts". As set forth above, claims 8 and 12-15 have been amended to replace "salts" with "salt".

Recitation of "substituted amino" in claim 8 is objected to because the definition of the term at page 16, line 28 of the subject application, includes "BNRR". As set forth above, the specification has been amended to replace "BNRR" with "-NRR".

Claim 16 is objected to as including species which are asserted to be outside the scope of claim 8 from which claim 16 depends. The Office Action draws Applicants' attention to cyclohexyl or benzodioxin-6yl bearing species.

Where a cyclohexyl group is included in a species recited in claim 16, it is a substituent to one or the other of the two nitrogens that are attached to the triazine ring. In claim 8, the substituents for the two nitrogens are represented as R^2 , R^3 , R^4 and R^5 in the chemical formula depicted in the claim. Claim 8 recites in part: " R^2 , R^3 , R^4 and R^5 , each of which may be same or different, are hydrogen, alkyl" The term "alkyl" is defined at page 16, lines 10-20, of the subject application. In particular, at page 16, lines 19-20, it is stated: "The alkyl moiety, whether saturated or unsaturated, may be branched, non-branched, or cyclic." Thus, "alkyl" includes cycloalkyl. Furthermore, "cycloalkyl" is defined at page 17, lines 11-13, of the subject application so as to include a cyclohexyl group.

Where a benzodioxin-6yl group is included in a species recited in claim 16, it is a substituent to one or the other of the two nitrogens that are attached to the triazine ring. In claim 8, the substituents for the two nitrogens are represented as R^2 , R^3 , R^4 and R^5 in the chemical formula depicted in the claim. Claim 8 recites in part: " R^2 , R^3 , R^4 and R^5 , each of which may be same or different, are hydrogen ... or substituted aryl;". The term "substituted aryl" is depicted at page 17, lines 7-10, of the subject application. In particular at page 17, lines 7-9, it is stated: "'substituted aryl' refers to aryl groups which are substituted with 1 to 3 substituents selected from ... -O-(CH₂)_n-O- (wherein n is an integer from 1 to 3)" Thus, "substituted aryl" includes a benzodioxin-6yl and -5yl.

Accordingly, it is respectfully submitted that claim 16 does not include species which are outside the scope of claim 8.

Claim 16 is also objected to because a species recites "methylsulfanyl" whereas claim 8 (from which claim 16 depends) recites in part: " R^1 ... is alkylmercapto" As set forth above, claim 16 has been amended to replace "methylsulfanyl" with "methylmercapto".

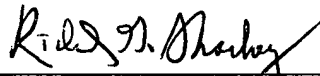
Therefore, it is believed that the rejection of claims 8-16 under Section 112, second paragraph, has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, in light of the amendments and remarks set forth above, Applicants believe that all the Examiner's rejections have been overcome. Reconsideration and allowance of the pending claims (8-16) are respectfully requested. If there is any further matter requiring attention prior to allowance of the subject application, the Examiner is respectfully requested to contact the undersigned attorney (at 206-622-4900) to resolve the matter.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Richard G. Sharkey, Ph.D.
Registration No. 32,629

Customer No. 00500